

official numbering map of the city, adopted by the city council on the 26th day of July, 1943, entitled "Official Numbering Map of the City of Belmont," and now on file in the office of the clerk of the city, to which map reference is hereby made, and the same is made a part of this article.  
(Code 1961, § 6.25)

**Sec. 7-199. Separate number for each building.**

There shall be a distinct and separate number for each and every dwelling or other building facing upon all the streets and avenues in the city.  
(Code 1961, § 6.26)

**Sec. 7-200. Assignment of number.**

The official house number shall be assigned by the building official with each new building permit.  
(Code 1961, § 6.26)

**Sec. 7-200.1. Painting numbers on streets, gutters or curbs.**

No person shall paint or otherwise place address numbers upon streets, gutters or curbs without prior written approval of the owner of the property served by the number. Such written approval shall create no obligation to pay for such work unless specifically set forth herein.  
(Ord. No. 835, § 1, 10-23-90)

**Editor's note**—Section 1 of Ord. No. 835, adopted Oct. 23, 1990, added § 7-201 to art VIII of this chapter. The editor has renumbered the provisions as 7-200.1 since art IX begins with § 7-201.

**ARTICLE IX. FLOODPLAIN  
MANAGEMENT REGULATIONS\***

**Sec. 7-201. Statutory authorization.**

The Legislature of the State of California has in Government Code Sections 65302, 65560, and

**\*Editor's note**—Section 1 of Ord. No. 786, adopted Jan. 26, 1988, amended art. IX to read as set out in §§ 7-201—7-222. The article formerly consisted of §§ 7-201—7-207 as adopted by Ord. No. 681, § 1, adopted Sept. 10, 1980, as amended. Subsequently, Ord. No. 975, § 1, adopted Nov. 27, 2001, amended art. IX to read as herein set out. See the Code Comparative Table.

65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of City of Belmont does hereby adopt the following floodplain management regulations.  
(Ord. No. 975, § 1, 11-27-01)

**Sec. 7-202. Findings of fact.**

(a) The flood hazard areas of City of Belmont are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.  
(Ord. No. 975, § 1, 11-27-01)

**Sec. 7-203. Statement of purpose.**

It is the purpose of this article to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
  - (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
  - (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-204. Methods of reducing flood losses.**

In order to accomplish its purposes, this article includes methods and provisions to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Control filling, grading, dredging, and other development which may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-205. Definitions.**

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

"*Accessory use*" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"*Alluvial fan*" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"*Apex*" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

"*Appeal*" means a request for a review of the floodplain administrator's interpretation of any provision of this article.

"*Area of shallow flooding*" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"*Area of special flood hazard*" See "special flood hazard area."

"*Area of special flood-related erosion hazard*" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the flood insurance rate map (FIRM).

"*Area of special mudslide (i.e., mudflow) hazard*" is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the flood insurance rate map (FIRM).

"*Base flood*" means a flood which has a one (1) percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this article.

"*Basement*" means any area of the building having its floor subgrade i.e., below ground level on all sides.

"*Development*" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"*Encroachment*" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"*Existing manufactured home park or subdivision*" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"*Expansion to an existing manufactured home park or subdivision*" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"*Flood, flooding, or flood water*" means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
- (2) The condition resulting from flood-related erosion.

"*Flood boundary and floodway map (FBFM)*" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"*Flood hazard boundary map*" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

"*Flood insurance rate map (FIRM)*" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"*Flood insurance study*" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

"*Flood-related erosion*" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusually and unforeseeable event which results in flooding.

"*Flood-related erosion area*" or "*Flood-related erosion prone area*" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind driven currents, is likely to suffer flood-related erosion damage.

"*Flood-related erosion area management*" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

"*Floodplain or flood-prone area*" means any land area susceptible to being inundated by water from any source see "Flooding".

"*Floodplain administrator*" is the individual appointed to administer and enforce the floodplain management regulations.

"*Floodplain management*" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"*Floodplain management regulations*" means this article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"*Floodproofing*" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

"*Floodway*" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Also referred to as "regulatory floodway".

"*Floodway fringe*" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

"*Fraud and victimization*" as related to sections 7-220.6 through 7-222 of this article, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the (community governing body) will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience,

danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"*Functionally dependent use*" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"*Governing body*" is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"*Hardship*" as related to sections 7-220.6 through 7-222 of this article means the exceptional hardship that would result from a failure to grant the requested variance. The city council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"*Highest adjacent grade*" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"*Historic structure*" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary

of the interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the secretary of the interior or directly by the secretary of the interior in states without approved programs.

"*Levee*" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"*Levee system*" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"*Lowest floor*" means the lowest floor of the lowest enclosed area, including basement (see "basement" definition).

- (1) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
  - a. The wet floodproofing standard in section 7-217(c)(3).

- b. The anchoring standards in section 7-217(a).
- c. The construction materials and methods standards in section 7-217(b).
- d. The standards for utilities in section 7-218.

- (2) For residential structures, all subgrade-enclosed areas are prohibited as they are considered to be basements (see "basement" definition). This prohibition includes below-grade garages and storage areas.

"*Manufactured home*" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"*Manufactured home park or subdivision*" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"*Market value*" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

"*Mean sea level*" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other

datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

"*Mudslide*" describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

"*Mudslide (i.e., mudflow) prone area*" means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

"*New construction*", for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"*New manufactured home park or subdivision*" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

"*Obstruction*" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"*One-hundred-year flood*" or "*100-year flood*" see "base flood."

"*Public safety and nuisance*" as related to section 7-222, Variances, of this article means that the granting of a variance must not result in anything which is injurious to safety or health of

an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"*Recreational vehicle*" means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"*Regulatory floodway*" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"*Remedy a violation*" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

"*Riverine*" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"*Sheet flow area*" see "area of shallow flooding".

"*Special flood hazard area (SFHA)*" means an area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH.

"*Start of construction*" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"*Structure*" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"*Substantial damage*" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"*Substantial improvement*" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations or state

or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"*Variance*" means a grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.

"*Violation*" means the failure of a structure or other development to be fully compliant with this article. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

"*Water surface elevation*" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"*Watercourse*" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-206. Lands to which this article applies.**

This article shall apply to all areas of special flood hazards within the jurisdiction of City of Belmont.

(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-207. Wet weather limitations.**

(a) Excavations, foundation work, trenching, and site grading shall not be initiated nor continued between the winter rain period of November 15 to April 15 of each year.

(b) This section shall not apply to any necessary excavation made by the city, or any public utility, or any county or any state agency, nor to any excavations for geological investigations.  
(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-208. Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the flood insurance study (FIS) and accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), dated March 9, 1982, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this article. This FIS and attendant mapping is the minimum area of applicability of this article and may be supplemented by studies for other areas which allow implementation of this article and which are recommended to the city council by the floodplain administrator. The study, FIRMs and FBFMs are on file at City Hall, Department of Public Works, 1070 Sixth Avenue, Suite 306, Belmont, CA 94002.  
(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-209. Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this article and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.  
(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-210. Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and

another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.  
(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-211. Interpretation.**

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-212. Warning and disclaimer of liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of city council, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.  
(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-213. Severability.**

This article and the various parts thereof are hereby declared to be severable. Should any section of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.  
(Ord. No. 975, § 1, 11-27-01)